

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA	)	
Plaintiff	)	
	)	
v.	)	Criminal No. 08-29
	)	
HAROLD T. WOLFORD	)	

**UNOPPOSED MOTION FOR REDUCTION OF SENTENCE  
PURSUANT TO 18 U.S.C. § 3582(c)(2)**

Michael J. Novara, First Assistant Federal Public Defender, respectfully files this Motion for Reduction of Sentence Pursuant to 18 U.S.C. § 3582(c)(2). In support thereof, counsel states as follows:

1. By plea of guilty, Mr. Wolford was convicted of possession with intent to distribute 5 grams or more of cocaine base (Count One), and of carrying a firearm during and in relation to a drug trafficking crime (Count Two). On March 29, 2011, Mr. Wolford was sentenced to a total of 120 months imprisonment. The sentence was based on a determination that Mr. Wolford was accountable for 23.48 grams of cocaine base, resulting in a base offense level of 24 under the guidelines applicable at the time of sentencing. Presentence Report Addendum, 1. The Court reduced Mr. Wolford's offense level 2 levels for his acceptance of responsibility, resulting in a total offense level of 22. Presentence Report, 5. With a criminal history category of III, Mr. Wolford's guideline imprisonment range was 51 to 63 months. Statement of Reasons, 1. However, finding a 5-year mandatory minimum applicable to both counts, the Court imposed a term of 60 months on Count One and a consecutive term of 60 months on Count Two.

2. Mr. Wolford subsequently filed a motion for retroactive application of the sentencing guidelines regarding crack cocaine offenses. Finding that it had improperly applied a 5-year mandatory minimum to Mr. Wolford's drug offense, as he was sentenced after the passage of the Fair Sentencing Act, the Court granted Mr. Wolford's motion and reduced his sentence on his drug offense from 60 months to 51 months. Docket No. 87. This brought Mr. Wolford's total sentence from 120 months to 111 months.

3. Effective November 1, 2014, the United States Sentencing Commission amended U.S.S.G. § 2D1.1 to decrease the base offense levels in drugs cases by 2 levels (Amendment 782). On July 18, 2014, the Sentencing Commission determined that Amendment 782 would apply retroactively to offenders who are serving terms of imprisonment.

4. Title 18 U.S.C. § 3582(c)(2) provides:

[I]n the case of a defendant who has been sentenced to a term of imprisonment based on a sentencing range that has subsequently been lowered by the Sentencing Commission pursuant to 28 U.S.C. § 994(o), upon motion of the defendant or the Director of the Bureau of Prisons, or on its own motion, the court may reduce the term of imprisonment, after considering the factors set forth in section 3553(a) to the extent that they are applicable, if such a reduction is consistent with applicable policy statements issued by the Sentencing Commission.

5. Under the newly amended guideline, Mr. Wolford's base offense level is reduced from 24 to 22, which results in the total offense level being reduced from 22 to 20. An offense level of 20 and a criminal history category of III results in a guideline imprisonment range of 41 to 51 months.

6. Accordingly, Mr. Wolford respectfully requests that the Court reduce his sentence on Count One from 51 to 41 months, resulting in an aggregate term of imprisonment of 101 months

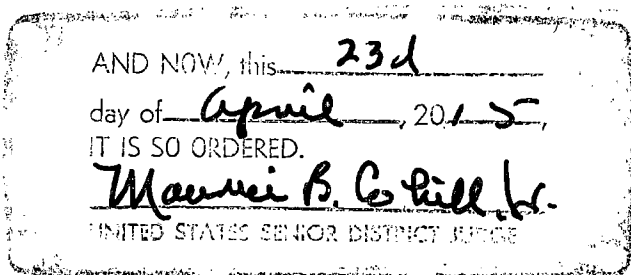
on both counts, but in no event less than time served as of November 1, 2015.<sup>1</sup> By filing this motion, Mr. Wolford agrees that his *pro se* motion for a sentence reduction (Docket Nos. 155, 158) can be denied as moot.

7. The government, through Assistant United States Attorneys Troy Rivetti and Cindy Chung, does not oppose the granting of this motion.

WHEREFORE, the defendant, Harold Wolford, respectfully requests that this Honorable Court amend his sentence to a term of imprisonment of 41 months on Count One, for an aggregate term of imprisonment of 101 months, but in no event less than time served as of November 1, 2015, effective November 1, 2015.

Respectfully submitted

s/ Michael J. Novara  
Michael J. Novara  
First Assistant Federal Public Defender  
Attorney I.D. No. 66434



<sup>1</sup> Pursuant to § 1B1.10(e), the Court's order cannot be effective before November 1, 2015.